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Why Punishment Pleases: Punitive Feelings in a World of Hostile Solidarity

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Our reliance on punitive sentiments and attitudes to make sense of our world and ourselves is a key feature of our times. In the past few years and until today, the public has become increasingly more attuned to and reliant on punitive expressions, feelings and strategies. These have focused on scapegoating, othering, excluding and controlling in the name of order, security and prosperity. Not only have we been punishing more, and more harshly, in the 2000s, but our punitive outlook has now come to shape the way we engage with political campaigns, cope with economic changes, and manage our international and interpersonal relations. Although a concern with these tendencies has recently become more widely spread in public discourse and social media, punishment and society scholars have long warned us about the consequences of being and living in punitive societies (Garland 2001; Simon 2001a; Pratt et al 2005; Simon and Sparks 2013).

Despite pertaining to a long tradition of scholarship on punishment and society, the question of why we punish remains fundamentally controversial, as we still have not reached a coherent and satisfactory understanding of why it is that we seek punishment. The problematic character of punishment can be observed in the diversity of efforts to offer a satisfactory account of the purpose of our punitive practices. The explanations provided can vary widely, depending on disciplinary frameworks or methodological orientations. However, most engagements with the question of why we punish tend to be intrinsically concerned with the question of what punishment is for, in terms of function or *utility*. There is an important reason for that, as since punishment is realised through interventions to the liberty or property

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of individuals which are by their very nature coercive, and often violent and painful, it is commonly accepted that such activities can only be legitimate and justified if their purpose or outcomes compensate for the harms which they inflict.

Although there is an important place for these debates, this kind of perspective on the role of punishment carries with it certain limitations, the main one being the risk of leading to what Garland (1990a:4) called a 'dogmatic functionalism'. Instead, and especially if we seek to properly scrutinise the place of punishment in contemporary society, we should seek to understand punishment as 'a realm for the expression of social value and emotion as well as a process for asserting control', and which 'for all its necessity as an institution ... still involves a tragic and futile quality which derives from its contradictory cultural location' (1990a:4). This paper rescues Garland's invitation to 'rethink punishment in a way which is more sensitive to its many dimensions and inherent contradictions' (1990a:12-13), by re-investigating the relationship between punishment and social solidarity. However, instead of departing from a position that assumes the necessity of the institution of punishment, we deploy a critical perspective which directly enquires why we seek to ascribe utility to punishment in the first place.

The paper starts by raising the possibility that the reason why we believe punishment to be useful, and why we are motivated to punish, is because we derive pleasure from the utility of punishment. Simply stated, punishment pleases. It then turns to an analysis of the relationship between punishment and solidarity to investigate why and how punishment pleases. We argue that the pleasure of punishment is directly linked to the specific kind of solidarity that punishment produces, which we call hostile solidarity. The third part of the paper focuses on exploring the links between punishment and identity in order to examine the allure of hostile solidarity, while the concluding section draws implications from the perspective developed in the paper and sets out an agenda for future research.

1. The Pleasure of Punishment

The inspiration for the argument in this paper came from an engagement with what is often considered the most famous of David Hume's (1998) essays in *An Enquiry Concerning the Principles of Morals*, 'Why Utility Pleases'. Hume's work arguably has much to contribute to a critical gaze on the question of why we punish, even though it seldom addresses punishment in itself. Hume's account of social morality is inherently intersubjective and communicative, conceptualising moral sentiments as 'social, not solitary and felt, not deduced' (Sparks 2011: 323). Furthermore, his work imbues social morality with an intrinsic affective dimension (van Holthoon 1993), in league with his serious effort to address the Cartesian gap in Western philosophy, by seeking 'to destroy the false opposition between reason and passion, showing passion to penetrate the very heart of the alleged activity of reason' (Baillie 2000:13).

This effort is nowhere as clear as it is in Hume's discussion of why we seek utility in our social life. In 'Why Utility Pleases', Hume argued for the primacy of utility as a core moral principle, but instead of grounding his argument on the rational validity or impeccable philosophical logic of utility, he relied primarily on its desirability. In Hume's view, our moral judgments are fundamentally conditioned by notions of utility because we are emotionally motivated to pursue it. We seek utility, moreover, because utility pleases.¹

Although at first sight this might seem like a form of psychological hedonism, where individuals are deemed to mainly socially pursue what is in their self-interest, Hume actually affirmed that the main source of the pleasure of utility lied in 'a tendency to public good, and to the promoting of peace, harmony, and order in society', driven by 'principles of humanity

¹ Hume's perspective finds resonance with contemporary research on utility and rational deliberation. It is now recognized by biologists, neurologists and psychologists that rational decision-making relies on a combination of work between cognitions that denote available options, and emotions that provide a person with a sense of these options' utility (Turner 2009; Damasio 1994). As Turner explains, 'one cannot maximise utility without the ability to load options with affect' (2009:343).

and sympathy' within us, which 'enter so deeply into all our sentiments, and have so powerful an influence, as may *enable them to excite the strongest censure and applause*' (Hume 1998:45-46, emphasis added). Under this perspective, the moral images and values which have the potential to be most pleasurable to us are those that express *public utility*. These insights from Hume's theory can already suggest an interesting perspective through which to investigate the link between punishment and utility. It is possible that the motivation to punish derives primarily not from any specific public utility that might be achieved through it, but from the very idea that punishment is publicly useful. The utility of punishment can be rationalised in a variety of ways, but ultimately, people feel motivated to punish because the idea that punishment has utility is pleasing.²

The notion that people may feel pleasure through the pursuit of punishment is (perhaps needless to say) rather controversial, not least because it is not far from saying that people derive satisfaction out of the pain of others—since punishment is still inextricably linked to pain (Sykes 1958; Christie 1981; Liebling and Maruna 2005; Liebling 2011; Chamberlen 2016). While the aim of this paper is not to focus primarily on the sadistic character of punishment, the idea that punishment pleases does highlight the existence of a problem in how the imaginary of punishment is constructed in contemporary socio-political contexts. The argument in this paper is that one way to investigate this problem is through the notion that, while people may desire punishment because they believe it has utility, people may also want to believe punishment has utility because of the way it makes them feel. This dialectic relationship between the utility of punishment and the motivation to punish can be further explored through an analysis of the link between punishment and solidarity.

² Some studies in social and evolutionary psychology seem to support this claim. For instance, third-party punishment games research suggests that individuals punish altruistically, when they perceive that punishing benefits others (Fehr and Fischbacher 2004); other studies also suggest that people feel motivated to punish when they believe punishment is associated with personal gain (Bolton and Zwick 1995; Kurzban et al 2007).

2. Deconstructing the Utility of Punishment: Punishment as Hostile Solidarity

Interestingly, the main scholar in the sociological tradition to posit the utility of punishment, Émile Durkheim, was also the first to comprehensively challenge it. He famously asked us to question the link between crime and punishment, by claiming that crime was a necessary social occurrence, which could even be useful to society (Durkheim 2014). If crime is 'normal', and its pathological character is mainly a social construction (Hillyard and Tombs 2005; Farmer 1996), then 'the object of punishment cannot be to cure it and its true function must be sought elsewhere' (Durkheim 2013:118). For Durkheim, the 'real function' of punishment was to be found in the maintenance of normative values which formed the collective consciousness lying at the core of social solidarity. It is these feelings linked to society's moral order that are disturbed by crime, and it is primarily the *experience* of violation, together with 'the ritualized re-affirmation of collective values and the reinforcement of group solidarity' (Garland 2013:23), that is the focus of punishment.

Garland points out that Durkheim's theory presents what he calls a 'paradox of higher utility' (Garland 1990a:8), in that Durkheim questions the utility of punishment only to re-establish it at a higher level. However, in doing so, Durkheim illuminates important aspects of the function of punishment that are often obscured by other accounts, and which are arguably fundamental to an understanding of the role of punishment in contemporary social settings. First, he reconstitutes the relation between punishment and crime, from a mainly penal mechanism in which punishment is posited as a reaction to crime, to a social interaction in which both crime and punishment are presented as parts of a dynamic social process. Second, because of the way this relation is reconstituted, this perspective on punishment suggests that the main subject of punishment is not the criminal, but the law-abiding citizen whose views are taken to reflect the social order. And third, the kind of utility which Durkheim assigns to

punishment is very different from the rationales generally given to punishment in legal, political and philosophical discourse, such as deterrence, retribution, incapacitation, and rehabilitation. Durkheim's function of punishment is not based on rational speculation, calculation or pragmatism, but mainly on the recognition of a 'non-rational' (Lockwood 1992), emotional dimension of social relations, grounded on the notion of social solidarity.

Solidarity in contemporary societies

Under this prism, the social motivation to punish is not simply an important aspect of punishment, but it is this concept's defining element, so that the question of why we punish is somewhat different, and more profound, than what punishment is for. For Durkheim, we punish because punishment reinforces social solidarity; it makes us feel that we belong to a community whose norms have value and must be respected. However, in order to take the link between punishment and solidarity forward, it is important to acknowledge that Durkheim 'advocated an altogether too unitary view of the social community' (Douglas 1966:27). This is not to say that Durkheim's theory did not capture the cultural pluralism and moral diversity of modern societies; quite the contrary. Indeed, the problem may rather be that Durkheim took too seriously the extent to which modernity gave rise to an environment of organic solidarity, and the potential this kind of solidarity would have to limit the social need for punishment—or indeed the potential for the structure and values of modern societies to generate and maintain solidarity in a concrete sense.

There certainly is value in holding on to a general notion of social solidarity, as it is expected that individuals share some conception of the society in which they live, but this common understanding is perhaps better conceptualised as a social imaginary (Taylor 2004), a set of fluid images that people collectively maintain by constantly mediating expectations. So although each social imaginary contains a moral order which provides social practices and

institutions with 'a widely shared sense of legitimacy' (2004: 23), the values within such order are inherently conceptually open. The fluidity and openness of these images of common morality indicate that though individuals may share moral conceptions as Durkheim suggested, these are often complex and contingent, so that people may experience social practices and institutions rather differently. This is undoubtedly true of the notion of law, which Durkheim identifies as the main index of social morality. In their study, Ewick and Silbey (1998) show that while individuals in society share an understanding of the law, the way they become conscious of it in their lived experiences can vary significantly. Law can sometimes be experienced as an impartial norm of justice, sometimes as an obstacle to be avoided or overcome, and sometimes as a game played by individuals in pursuit of their self-interest. One of the main reasons behind law's hegemonic character in contemporary societies, they argue, is precisely its malleability—its ability to mean different things to different people in specific circumstances.

Because these social values and images are experienced differently depending on individual and social contingencies, solidarity may also be experienced in different forms and degrees by different social groups (Garland 2013:30), and this distribution often creates division and conflict between them. For instance, religious freedom can be experienced by some groups as liberating, and by others as threatening. These instances of schism (Lockwood 1992) are as constitutive of society as the bonds of solidarity which preserve its overall coherence. Acknowledgement of this complexity should not diminish the importance of the relation between punishment and solidarity, but rather suggest that this relation may be directly linked to the problems of solidarity experienced in contemporary societies.

Scholarship has identified that surges in punitive attitudes and support for punitive policies are likely to arise when conditions for solidarity are particularly precarious, such as in periods of social insecurity and anxiety (Ericson 2007; Sparks 2012), and that there might be

an inverse correlation between levels of punishment and levels of solidarity in contemporary social settings (Greenberg 1999; Pratt 2007). Similarly, research has found strong indications of a correlation between levels of punishment and levels of inequality, or lack of welfare provision (Downes and Hansen 2006; Lacey 2007; Pickett and Wilkinson 2010).

These discrepancies may be partly explained by the existence of social schism, as high levels of solidarity within specific groups lead them to adopt punitive attitudes towards other groups which they identify as outsiders and potential dangers. For instance, Garland highlights how punitive attitudes in the United States are likely to be intimately linked with racism, as white juries may display high levels of solidarity towards white victims, and feel particularly violated by crimes attributed to black offenders (Garland 2013:34; Lynch and Haney 2014). In this sense, it may be instances of high group-focused solidarity, and not the low incidence of society-wide solidarity, that primarily fuel the urge to punish.

However, this sectarian (Simon 2001b) dimension of punishment must be understood as intrinsically connected to processes of social fragmentation that are common to contemporary liberal societies (Rose 2001), and to experiences of insecurity and anxiety (Giddens 2001; Bauman 1991) related to these processes. Indeed, research into recent political developments in contemporary liberal societies indicates that punitive attitudes have been closely related to feelings of disgruntlement with regards to mainstream politics and the '*status quo*' more generally, expressed by those who feel socio-politically abandoned or neglected. For instance, after the EU Referendum in the United Kingdom, the British Election Study's internet panel survey of 2015-16 found significant links between voters' age, religion, race and ethnicity, their level of support for Brexit, and endorsement of capital punishment and other harsh penalties (Kaufmann 2016). The Leave vote has also been linked to social intolerance, racism and xenophobia, attitudes which scholars have found to be connected to punitive outlooks embedded within criminal justice ideology and practice (Lynch and Haney 2011).

In other words, it is possible that punitive attitudes today express an interesting dialectic of solidarity, in which punishment is especially pursued as a means through which to produce and reinforce a general sense of solidarity in circumstances in which the conditions for such solidarity are lacking or compromised. There appears to be something in punishment which makes it seem particularly appealing in moments of conflict and instability.

Rituals of criminalization

It is important to note that the suggestion that punishment is most sought during experiences of uncertainty and insecurity would be unsurprising to Durkheim himself. Durkheim's notion of anomie tends to point precisely in that direction, in that social fragmentation would increase individuals' sense of isolation and moral disconnection, and thus lead to increased crime and to enhanced sensibilities with regards to the dangerousness of crime. However, even in these circumstances, for Durkheim it is the 'prior existence of group solidarity' that 'provides the basis for a collective will to punish' (Garland 2013:25). Instead, the precariousness of social solidarity, together with the increase in punitiveness in many contemporary social settings, suggest that the contemporary urge to punish relies primarily on a desire for solidarity fuelled by the experience of social insecurity and anxiety. From this perspective, punishment really is a solidarity-producing process—it aims to produce solidarity where it was previously lacking.

This process is engendered through the ritualistic and symbolic aspect of punishment, the many rituals and images that communicate common beliefs and that elicit emotional responses which mutually reinforce these beliefs, leading to what Durkheim called collective effervescence. Many contemporary scholars have developed sophisticated accounts of how punishment constitutes a communicative endeavour where, through the rituals of criminal justice, such as the criminal trial, the punitive responses toward crime serve to positively

express common moral understanding in the political community, something which they claim can potentially benefit even the criminal (Feinberg 1965; Duff 2003). However, these accounts seldom acknowledge the extent to which the symbolism of punishment depends upon broader rituals of criminalization in society.

Research on the ritualistic and ceremonial elements of punishment often focuses on the main stage where punishment and judgment are expressed, the criminal trial (Sontag 1966; Cole 2007). The precise moment of confrontation between offender and community is directly linked with many of the main emotional responses related to punishment, such as denunciation, censure, and blaming, and has particular symbolic appeal due to its representation as a moment of resolution. However, the symbolic process of punishment begins much earlier than its moment of climax, through cultural and political practices which define certain individuals, groups and forms of behaviour as harmful, violent and dangerous. These active practices elicit strong emotions that have been shown to have significant effects on policy and law-making, such as the case of disgust with regards to sex offenders (Lynch 2002). Indeed, there is a rich body of scholarship which discusses how sentiments related to criminality affect jury decisions and other judgments of criminal liability (Lynch and Haney 2014; Robinson and Darley 2007) and punishment (Johnson 2009; Hartnagel and Templeton 2012).

The moment of criminalization is fundamental to the solidarity-producing aspect of punishment, as it advances a specific image of social order in which individuals are represented as members of a community bonded by their vulnerability against crime. It reorients priorities, generating a sense of identification through estrangement (Bauman 2000; Sparks 2001), by pitting the criminal as a threat against the social order promoted by punishment. This symbolic reduction in social complexity, in which the identities of law-abiding citizens, victims and criminals respectively appear as 'total' identities, figures as a condition for the success of rituals of punishment (Garfinkel 1956). This condition is arguably particularly pivotal in the context

of contemporary liberal societies, in which the image of solidarity promoted by punishment must be superimposed over a fragmented social reality.

To understand how this production of solidarity works, it is useful to return to Hume's account of utility. For him, our notions of public utility are generated through a process of sympathy, through which the images which individuals have of other people's sentiments are converted into an impression which they can then experience. It is through this process, Hume argues, that individuals 'form some general (...) standard, by which we may approve or disapprove of characters and manners' and which, once formed, can have 'a considerable influence' over our feelings and drives (Hume 1998: 44).

From this perspective, ideas disseminated in society about how other people feel, and about the social effect of certain practices and outcomes, contribute to shaping 'a social psychological reality' (van Holthoon 1993:41) which significantly influences our social experience as well as our sense of wellbeing and belonging. In this sense, Hume's conception of sympathy is 'strangely premonitory' of Durkheim's conception of collective effervescence, which 'refers to the sharing or relaying of emotional experience amongst participants in collective activities, especially rituals and ceremonies' (Sparks 2011: 324). The difference is that sympathy suggests that the symbolic processes through which emotions are 'structured' and fixed to certain 'symbols that are central to people's identity and understanding' (Shilling 2002: 19) can be much more scattered and pervasive in cultural arrangements than what the idea of ritual or ceremony suggests.

Through the notion of sympathy, then, it is possible to suggest that the rituals of punishment do not represent the symbolic process as a whole, but rather the culmination of a process which started with images of criminalization. These images are constantly permeating our social environment, from the very way in which we imagine the constitution and functions of the modern state (Loader and Walker 2007), and the place of crime and punishment in the

civilising process more broadly (Pratt 2002), to popular literature and culture as well as daily reproductions by the media (Ogletree and Sarat 2015; Greer 2007, 2010). This symbolic exposure inextricably influences our impressions of social relations, and conditions our social experience towards the image of solidarity advanced by punishment. From this prism, the symbolic dimension of punishment can be conceptualised as a broader social phenomenon that goes beyond the specific emotional responses directly linked to punishment rituals. This conception intrinsically relates punishment to notions of self-identity (Vogler 2001).

The hostile solidarity of punishment

Thinking about the relation between punishment and notions of self-identity highlights the last and most important aspect of the link between punishment and solidarity, which is the specific form in which punishment generates and reinforces solidarity: through *hostility*. In his seminal article 'The Psychology of Punitive Justice', George Herbert Mead (1918) analysed how, in punishment, feelings of solidarity arise mainly as the result of sentiments of hostility against crime and criminals. In his words:

The revulsions against criminality reveal themselves in a sense of solidarity with the group, a sense of being a citizen which on the one hand excludes those who have transgressed the laws of the group and on the other inhibits tendencies of criminal acts in the citizen himself [*sic*]. (Mead 1918:586-587)

This insight points out that the image of community which arises from punishment is problematic, in that even if it promotes a set of normative values and a sense of belonging, these are primarily established in contrast to others who must be treated as outsiders. Consequently, the image of community which is formed is engendered by, and therefore contingent upon, 'the emotional solidarity of aggression' (Mead 1918:591) on which it is ultimately grounded.

To some extent, it can be said that every political community involves the notion of boundaries, and the strength of any social order depends on a degree of coherence, so that

values and forms of conduct that do not fit into this order must be controlled or excluded (Bauman 1991, 2000). It is not by chance that punishment and criminal justice are considered essential elements of any modern political society. However, it is important to note that, due to the symbolic role that is ascribed to it, punishment promotes a specific kind of solidarity, which differentiates it from other solidarity-producing processes in society—such as religion, political association, civil society organisations, etc. Punishment defines identity directly through antagonism, so that it effectively produces as much estrangement (Sparks 2001) as it does identity; both sympathy *and* antipathy (Hume 1998:39). Furthermore, the relation of hostility becomes one of the defining elements of solidarity: people are brought together as a community *against* crime and criminals.

Mead discusses in detail how this image of a community bound together against specific aggressors, or with the aim of protecting itself against specific crimes, shapes and conditions the very identity of the members of that community. For instance, a criminal justice system primarily concerned with the protection of property and individual autonomy tends to foster a community based on abstract individualist values, whose members tend to identify themselves primarily as rights-owners. 'The cry of "stop thief" unites us all as property owners against the robber' (Mead 1918:591). More generally, the image of community engendered by hostile solidarity is one which appears to need constant protection; that is, a society which is too reliant on hostile solidarity becomes a society obsessively concerned with security (Foucault 2009). One consequence of this problem is that, while punishment can be considered an instrument to generate and reinforce solidarity, the peculiar image of community and belonging which it produces is precisely one which depends on punishment for its maintenance. This issue is particularly evident in recent developments in criminalization, where criminal justice measures which are meant to tackle sources of social insecurity, like laws which deal with terrorism or

sex offenders, also end up contributing to a climate of insecurity (Ericson 2007; Norrie 2017; Carvalho 2017).

An understanding of the distinct logic of the solidarity promoted by punishment can therefore illuminate how punitiveness has become a broader social phenomenon in socio-political contexts related to issues of insecurity and anxiety. Perhaps most importantly, such a perspective on punishment can also assist an analysis of why the deployment of what can be deemed a punitive logic has become particularly appealing in contemporary liberal social settings.

3. Constellating Utility and Self-Identity: The Allure of Hostile Solidarity

Just as the form of solidarity generated by punishment is peculiar, the pleasure which hostile solidarity produces is also of a particular kind. Mead (1918:598) has argued that the most attractive aspect of punitive justice is that it allows for the expression of self-assertion, something which is usually banned from the confines of modern sociability. In *Civilization and its Discontents*, Freud (2010) has suggested that the civilizing process inexorably leads to a suppression of feelings of aggression in individuals, which in turn gives rise to an intense sense of guilt—as individuals feel urges which they know are disallowed. The notion of hostility creates a situation which allows this ban to be lifted, and gives a license for individuals to engage (at least symbolically or indirectly, through the state) in acts of aggression and violence.

Another alluring aspect of hostile solidarity is that it can serve as a coping mechanism against more generalised feelings of uncertainty and anxiety. Janet Ainsworth (2009:264) discusses how, today, 'our sense of personal well-being and future safety is under assault from many perceived sources of danger', from economic crises to environmental catastrophes and global terrorism. These dangers are often diffuse, have complex causes and unknown patterns

and consequences. She points out that social psychologists have identified cognitive biases which we develop in order to cope with these anxieties, which are intimately related to punitive attitudes. One of these biases is 'the tendency to focus unduly on extreme occurrences' (Ainsworth 2009:265), which is linked to our cultural fascination with horrific crimes and 'monstrous offenders'. The other, more important for our present purposes, is called 'the illusion of control', which leads us to believe that we can (or must) control these dangers, and thus tends to encourage 'continued irrational and ineffective behaviour even in the face of negative feedback' (2009:265). In this sense, the 'gothic populism' (Valier 2002) and the 'culture of control' (Garland 2001) experienced in recent times can be seen as expressions of the motivation to reinforce these cognitive biases through hostile solidarity.

In addition to these two cognitive biases discussed by Ainsworth, we can add a third one which is particularly relevant to feelings of punitiveness, the illusion of order. One important consequence of the hostile solidarity promoted by punishment is that the community that places itself on the side of the punisher is vindicated as a civil order (Farmer 2016), a civilized enterprise whose issues and difficulties are the fault of criminals and dangerous others, instead of the consequence of its own failings and limitations. In a seminal study on the relation between identity and punitiveness, Anna King and Shadd Maruna (2006) asked individuals who scored high levels of punitiveness on a survey scale to describe types of fictional media which 'made the most of an impression on the way they saw themselves' (2006:23). What they found is that punitive individuals tended to identify themselves with stories that 'provided clear examples of right and wrong, where justice prevailed, where authority was fair or struggled to be so and where underdogs successfully traversed obstacles' (2006:23). This identification gave these individuals a 'sense of orderliness' which 'allowed them to experience an idealized world with just resolutions', and which interestingly contrasted with events in their own life stories, which painted a much less neat picture (2006:23).

In other words, the hostile solidarity of punishment also serves to promote a sense of reassurance. This way, individuals are not only enabled to express their aggression and frustrations by directing hostile feelings toward criminals (Garland 1990b, 2001; Elias 1994), and to regain a sense of control—through which punishment acts as a defence mechanism in which individuals fashion and target specific threats and fears in order to cope with deeper, more generalised feelings of insecurity (Brown 2003; Marsh 1996; King and Maruna 2009; Carvalho and Chamberlen 2016)—but to do so while also believing that they are on the side of right, that they are being violent in the name of justice.

Conclusion: Why Punishment Pleases, and Why It Matters

From this perspective, there are important implications of the allure of hostile solidarity that can be highlighted. The first is that the proposed utility of punishment becomes, at least in part, instrumental to the satisfaction derived from punishing. In other words, people seeking pleasure through punishment need to believe that punishment serves a function in society, that it promotes civil order. In this sense, the idea that punishment works becomes more important than its actual effectiveness.³ Indeed, it is possible that an ineffective criminal justice system that nevertheless appears effective (or necessary) can seem more appealing than one that actually addresses the causes of crime. The second is that, because it encourages an illusion of order, punishment becomes a useful legitimating device. This probably explains why punishment today is such a politicised phenomenon, and why hostile solidarity is a predominant electoral strategy: punitiveness allows the state to deny its impotence, and to promote an image of power and activity (Matravers and Maruna 2005).

³ A study conducted by Carlsmith (2008) has found that people often feel motivated to punish even if they can only rationalise their feelings in ways that are inconsistent with their actions, and that they support penal legislation that has a strong image of utility even if they disagree with the legislation's practical outcomes.

The third is that, because it is mainly hostile solidarity, and not punishment in itself, that possesses allure, punishment produces a punitive logic that can potentially expand beyond the confines of traditional images of criminal justice. This reflection may illustrate why contemporary societies increasingly rely on an intensified, dispersed and diversified expression of punishment (Hannah-Moffat and Lynch 2012). Moreover, it also suggests that the punitive logic can be reproduced in wider contexts, often for political and socio-economic purposes. Indeed, manifestations of punitive discourses and attitudes can be seen in many other institutional settings in contemporary societies, including migration and borders (Aas and Bosworth 2013; Kaufman 2015), education (Lyons and Drew 2009), and even health and wellbeing (Kirkland 2014).

The final, and perhaps most worrisome, implication of the mechanics of hostile solidarity is that it tends to self-reproduce, for two reasons. The first, already mentioned above, is that the kind of solidarity, and the image of community, which punishment produces is one which relies on the idea and feelings of hostility for its maintenance. And the second is that, although punitiveness allows for a release of feelings of anxiety, insecurity, anger, frustration, etc., it does not concretely address the sources from which these feelings originated. If punishment provides any remedy at all to social problems, it is one that deals only with certain symptoms of these problems, never with the causes. For these reasons, aside from punishment being ineffective in addressing social pathologies, the urge to punish may display a tendency of sometimes becoming pathological.

In a nutshell, the argument advanced in this paper is that the motivation to punish relies on punishment producing a kind of solidarity that allows individuals to pursue emotional release together with a sense of belonging, without having to question or address why it is that they felt alienated and insecure in the first place. This thesis suggests the existence of a 'social shadow'; that is, that 'punitive attitudes involve the transferral, or 'projection' of our own

anxieties onto criminal others' (Matravers and Maruna 2005:123). In psychoanalytical terms, the shadow is a part of the self-identity of an individual that remains mostly unconscious, so that it has a degree of autonomy in shaping that individual's personality. According to Jung (1959), the shadow mostly represents the individual's inferiorities, the parts of the self which are mostly despised, feared or neglected, so that the individual has a strong resistance in assimilating those traits into her/his conscious self. Instead, these traits are projected onto external people and circumstances, so that the emotions related to the shadow are experienced as caused by others.

The point of using the analogy of the shadow to understand the motivation to punish is that it reveals the extent to which punishment actually says more about the punisher than it can say about the punished. As Durkheim predicted, punishment is primarily about ourselves as punishers, rather than about offenders, or even our relation to offenders. Furthermore, the motivation to punish is grounded primarily on the emotional dimension of punishment, rather than on an understanding (or misunderstanding) of its social outcomes. This means that public attitudes on sentencing and punishment are more likely to be the result of 'emotion work' (Hochschild 2003) and other complex factors influencing self-perceptions, than of rational evaluations and factual knowledge which the public shares on the criminal justice process (Roberts and Hough 2005; Loader 2005).

This perspective can potentially take punishment and society scholarship in several directions, but for us, it suggests a research agenda based on an investigation of the relationship between punishment, identities, and politics. More specifically, it leads us to look at how punitive feelings spill into the sphere of politics, and how notions of hostile solidarity shape our current sense of social community and disenfranchisement. For instance, it invites us to examine how hostile solidarity comes to be linked with individual and social identity, and how this link shapes the current political climate experienced in contemporary liberal societies,

where feelings of insecurity and uncertainty came to be managed and expressed through punitive sentiments.

This relationship between punishment and identity can not only shed light on recent developments such as the EU Referendum in the UK, the recent US Elections, and the rise of authoritarian politics in Europe in the aftermath of the economic crisis, but can also inform a methodology through which we can enhance our understanding of punishment itself. One important element of this methodology would be to more actively pursue what can be deemed a critical penology of the self—which would necessarily also involve a penology of the shadow. Such an endeavour would have to rely on microsociological research on lived experiences that shape individuals' consciousness of punishment. A study of the relationship between punishment and identity could thus potentially reveal how punitiveness, rather than just an attitude, figures as a more persistent aspect of individual life stories, as well as of the meaning derived from them (King and Maruna 2006; Hallsworth 2004). Such a perspective is arguably necessary to understand how punishment today is such a pervasive, mutating and expansive aspect of social life.

References

- Aas, K. F.; Bosworth, M. (eds.) 2013. *The Borders of Punishment* (Oxford: Oxford University Press).
- Ainsworth, J. 2009. "'We Have Met the Enemy and He Is Us": Cognitive Bias and Perceptions of Threat'. In P. H. Robinson, S. P. Garvey & K. K. Ferzan (eds), *Criminal Law Conversations* (Oxford: Oxford University Press), 264-266.
- Baillie, J. 2000. *Hume on Morality* (London: Routledge).
- Bauman, Z. 1991. *Modernity and Ambivalence* (Cambridge: Polity Press).
- Bauman, Z. 2000. 'Social Uses of Law and Order' in D. Garland, R. Sparks (eds), *Criminology and Social Theory* (New York: Oxford University Press) 23-45.
- Bolton, G. E.; Zwick, R. 1995. 'Anonymity versus punishment in ultimatum bargaining' *Games Economic Behaviour* 10: 95-121.

The final version of this paper will be published as: H. Carvalho, A. Chamberlen. 'Why Punishment Pleases: Punitive Feelings in a World of Hostile Solidarity' (forthcoming) *Punishment & Society*.

Brown, A. 2003. 'From Individual to Social Defences in Psychosocial Criminology' 7(4) *Theoretical Criminology*, 421-437.

Carlsmith, K. M. 2008. 'On Justifying Punishment: The Discrepancy Between Words and Actions' *Social Justice Research* 21: 119-137.

Carvalho, H. 2017. *The Preventive Turn in Criminal Law* (Oxford: Oxford University Press).

Carvalho, H. and Chamberlen, A. 2016. 'Punishment, Justice and Emotions' in M. Tonry (ed.) *Oxford Handbooks Online in Criminology*, (Oxford: Oxford University Press).

Chamberlen, A. 2016. 'Embodying Prison Pain: Women's experiences of self-injury in prison and the emotions of punishment' *Theoretical Criminology* 20(2), 205-219.

Christie, N. 1981. *Limits to Pain: The Role of Punishment in Penal Policy* (Eugene: Wipf and Stock).

Cole, K. M. 2007. 'Performance, Transitional Justice, and the Law: South-Africa's Truth and Reconciliation Commission'. *Theatre Journal* 59(2): 167-187.

Damasio, A. 1994. *Descartes' Error: Emotions, Reason and the Human Brain* (Orlando: G. P. Putman).

Douglas, M. 1966. *Purity and Danger*. (London: Routledge).

Downes, D.; Hansen, K. 2006. 'Welfare and Punishment in Comparative Perspective'. In S. Armstrong and L. McAra (Eds.), *Perspectives on Punishment* (Oxford: Oxford University Press), 101-118.

Duff, R. A. 2003. *Punishment, Communication, and Community*.(Oxford: Oxford University Press).

Duncan, M. G. 1996. *Romantic Outlaws, Beloved Prisons: Unconscious Meanings of Crime and Punishment*. New York: New York University Press.

Durkheim, E. 2013. 'The Rules of Sociological Method.' In *Durkheim and the Law*, edited by S. Lukes and A. Scull (London: Palgrave Macmillan), 114-118.

Durkheim, E. 2014. *The Division of Labor in Society*. (New York: Free Press).

Elias, N. 1994. *The Civilising Process* (Oxford: Blackwell).

Ericson, R. 2007. *Crime in an Insecure World* (Cambridge: Polity Press).

Ewick, P.; Silbey, S. 1998. *The Common Place of Law: stories from everyday life* (Chicago: University of Chicago Press).

Farmer, L. 1996. 'The Obsession with Definition: The Nature of Crime and Critical Legal Theory.' *Social & Legal Studies* 5: 57-73.

Farmer, L. 2016. *Making the Modern Criminal Law: Criminalization and Civil Order* (Oxford: Oxford University Press).

The final version of this paper will be published as: H. Carvalho, A. Chamberlen. 'Why Punishment Pleases: Punitive Feelings in a World of Hostile Solidarity' (forthcoming) *Punishment & Society*.

Feinberg, J. 1965. 'The Expressive Function of Punishment', *The Monist: Philosophy of Law*, Vol. 49, No. 3, pp. 397-423.

Foucault, M. 2009. *Security, Territory, Population*. (New York: Palgrave MacMillan).

Freud, S. 2010. *Civilization and its Discontents* (Mansfield: Martino Publishing).

Garfinkel, H. 1956. 'Conditions of Successful Degradation Ceremonies' *American Journal of Sociology* 61(5): 420-424.

Garland, D. 1990a. 'Frameworks of Inquiry in the Sociology of Punishment' *British Journal of Sociology* 41(1), 1-15.

Garland, D. 1990b. *Punishment and Modern Society: A Study in Social Theory* (Oxford: Oxford University Press).

Garland, D. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: Oxford University Press).

Garland, D. 2013. 'Punishment and Social Solidarity', in J. Simon and R. Sparks (eds) *The Sage Handbook of Punishment and Society*. (London: Sage).

Giddens, A. 1991. *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Cambridge: Polity Press).

Greenberg, D. 1999. 'Punishment, Division of Labor and Social Solidarity'. In W. S. Laufer and F. Adler (Eds.), *The Criminology of Criminal Law* (New Brunswick: Transaction), 283-362.

Greer, C. 2007. 'News Media, Victims and Crime', in P. Davies, P. Francis and C. Greer (eds) *Victims, Crime and Society*. (London: Sage).

Greer, C. 2010. *Crime and Media: A Reader* (London: Routledge).

Hallsworth, S. 2004. 'Make my day: images of masculinity and the psychodynamics of mass incarceration'. In R. R. Lippens (Ed.), *Imaginary Boundaries of Justice* (Oxford: Hart Publishing).

Hannah-Moffat, K., and Lynch, M. 2012. 'Theorizing punishment's boundaries: An introduction.' *Theoretical Criminology* 16(2): 119-121.

Hartnagel, T. F.; Templeton, L. J. 2012. 'Emotions about crime and attitudes to punishment' *Punishment & Society* 14(4): 452-474.

Hillyard, P., and S. Tombs. 2005. 'Beyond Criminology?' In *Criminal Obsessions: Why Harm Matters More than Crime*, edited by D. Dorling, D. Gordon, P. Hillyard, C. Pantazis, S. Pemberton, and S. Tombs. London: Centre for Crime and Justice Studies, pp. 6-23.

Hochschild, A. R. 2003. *The Managed Heart* (Berkeley, CA: University of California Press).

van Holthoon, F. L. 1993. 'Adam Smith and David Hume: with Sympathy', 5(1) *Utilitas*, 35-48.

The final version of this paper will be published as: H. Carvalho, A. Chamberlen. 'Why Punishment Pleases: Punitive Feelings in a World of Hostile Solidarity' (forthcoming) *Punishment & Society*.

Hume, D. 1998. *An Enquiry Concerning the Principles of Morals* (Oxford: Oxford University Press).

Johnson, D. 2009. 'Anger about crime and support for punitive criminal justice policies.' *Punishment & Society* 11(1): 51-66.

Jung, C. 1959. *Aion: Researchers Into the Phenomenology of the Self* (London: Routledge).

Kaufman, E. 2015. *Punish and Expel: Control, Nationalism and the New Purpose of the Prison* (Oxford: Oxford University Press).

Kaufmann, E. 2016. "It's NOT the economy, stupid: Brexit as a story of personal values." Available at: <http://blogs.lse.ac.uk/politicsandpolicy/personal-values-brexit-vote/>.

King, A.; Maruna, S. 2006. 'The function of fiction to a punitive public'. In P. Mason (Ed.), *Captured by the Media: Prison Discourse in Popular Culture* (Portland: Willan Publishing), 16-30.

King, A.; Maruna, S. 2009. 'Is a conservative just a liberal who has been mugged? Exploring the origins of punitive views'. *Punishment & Society* 11(2), 147-169.

Kirkland, A. 2014. 'What Is Wellness Now?', *Journal of Health Politics, Policy and Law*, Vol. 39, No. 5.

Kurzban, R.; DeScioli, P.; O'Brien, E. 2007. 'Audience effects on moralistic punishment' *Evolution and Human Behaviour* 28: 75-84.

Lacey, N. 2007. *The Prisoners' Dilemma: Political Economy and Punishment in Contemporary Democracies* (Cambridge: Cambridge University Press).

Liebling, A. 2011. 'Moral Performance, Inhuman and Degrading Treatment and Prison Pain.' *Punishment & Society* 13(5): 530-550.

Liebling, A., and S. Maruna. 2005. *The Effects of Imprisonment* (Devon: Willan).

Loader, I. 2005. 'The Affects of Punishment: Emotions, Democracy and Penal Politics.' *Criminal Justice Matters* 10(1): 12-13.

Loader, I.; Walker, N. 2007. *Civilising Security* (Cambridge: Cambridge University Press).

Lockwood, D. 1992. *Solidarity and Schism: 'The Problem of Disorder' in Durkheimian and Marxist Sociology* (Oxford: Oxford University Press).

Lynch, M. 2002. 'Pedophiles and Cyber-predators as Contaminating Forces: The Language of Disgust, Pollution, and Boundary Invasions in Federal Debates on Sex Offender Legislation' *Law & Social Inquiry*, 529-566.

Lynch, M., and Haney, C. 2011. "Mapping the Racial Bias of the White Male Capital Juror: Jury Composition and the "Empathic Divide"." *Law & Society Review* 45(1): 69-102.

Lynch, M.; Haney, C. 2014. 'Emotion, Authority, and Death: (Raced) Negotiations in Mock Capital Jury Deliberations' *Law & Social Inquiry*, 1-28.

The final version of this paper will be published as: H. Carvalho, A. Chamberlen. 'Why Punishment Pleases: Punitive Feelings in a World of Hostile Solidarity' (forthcoming) *Punishment & Society*.

Lyons, W.; Drew, J. 2009. *Punishing Schools: Fear and Citizenship in American Public Education*. (Michigan: University of Michigan Press).

Marsh, P. 1996. 'The Law and Lawyers Through Psychodynamic Eyes.' *Psychodynamic Counselling* 2(4): 517–532.

Maruna, S.; Matravers, A. 2005. 'Contemporary Penalty and Psychoanalysis'. In M. Matravers (Ed.), *Managing Modernity: Politics and the Culture of Control* (London: Routledge), 118-144.

Matravers, A., Maruna, S. 2005. "Contemporary Penalty and Psychoanalysis." In *Managing Modernity: Politics and the Culture of Control*, edited by M. Matravers. (New York: Routledge), pp. 118-144.

Mead, G. H. 1918. 'The Psychology of Punitive Justice' *American Journal of Sociology* 23(5): 577-602.

Murphy, J. G. 2000. 'Two cheers for vindictiveness' *Punishment & Society* 2(2): 131-143.

Norrie, A. 2017. *Justice and the Slaughter-Bench: Essays on Law's Broken Dialectic* (London: Routledge).

Ogletree, C. J. Jr., Sarat, A. (2015) *Punishment in Popular Culture* (New York: New York University Press).

Pickett, K., Wilkinson, R. (2010) *The Spirit Level: Why Equality is Better for Everyone* (London: Penguin).

Pratt, J. 2002. *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society*. London: Sage.

Pratt, J. 2007. *Penal Populism* (Oxon: Routledge).

Pratt, J.; Brown, D.; Brown, M.; Hallsworth, S. (Eds.). 2005. *The New Punitiveness* (Abingdon: Routledge).

Roberts, J. V.; Hough, M. 2005. *Understanding Public Attitudes to Criminal Justice* (Maidenhead: Open University Press).

Robinson, P. H.; Darley, J. M. 2007. 'Intuitions of Justice: Implications for Criminal Law and Justice Policy' *Southern California Law Review* 81(1): 1-68.

Rose, N. 2001. *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press).

Shilling, C. 2002. 'The Two Traditions in the Sociology of the Emotions' in J. Barbalet (ed), *Emotions and Sociology* (Oxford: Blackwell), 10-32.

Simon, J. 2001a. 'Entitlement to Cruelty: Neo-Liberalism and the Punitive Mentality in the United States.' In *Crime Risk and Justice*, edited by K. Stenson and R. Sullivan (Cullompton: Willan), 125–143.

The final version of this paper will be published as: H. Carvalho, A. Chamberlen. 'Why Punishment Pleases: Punitive Feelings in a World of Hostile Solidarity' (forthcoming) *Punishment & Society*.

Simon, J. 2001b. 'Fear and Loathing in Late Modernity: Reflections on the Cultural Sources of Mass Imprisonment in the United States' *Punishment & Society* 3(1): 21-33.

Simon, J. and Sparks, R. 2013. 'Punishment and Society: The Emergence of an Academic Field' in J. Simon and R. Sparks (eds) *The Sage Handbook of Punishment and Society* (London: Sage), 1-20.

Sontag, S. 1966. *Against Interpretation* (New York: Farrar, Strauss and Giroux).

Sparks, R. 2001. 'Degrees of Estrangement: The cultural theory of risk and comparative penology' 5(2) *Theoretical Criminology*, 159-176.

Sparks, R. 2011. 'Divided Sympathies: David Hume and Contemporary Criminology.' In *Emotions, Crime and Justice*, edited by S. Kartstedt, I. Loader, and H Strang. (Oxford: Hart Publishing), pp. 317–330.

Sparks, R. 2012. 'States of Insecurity: punishment, populism, and contemporary political culture' in S. McConville (ed) *The Use of Punishment* (London: Routledge).

Sykes, G. 1958. *The Society of Captives* (Princeton, NJ: Princeton University Press).

Taylor, C. 2004. *Modern Social Imaginaries*. (Durham, NC: Duke University Press).

Turner, J. 2009 'The Sociology of Emotions: Basic Theoretical Arguments', *Emotion Review*, 1(4): 340-354.

Valier, C. 2002. *Theories of Crime and Punishment*. (Harlow: Pearson Education).

Vogler, C. 2001. 'Social Identity and Emotion: The Meeting of Psychoanalysis and Sociology.' *Sociological Review* 48(1): 19–42.